

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

Disposition of Claims

Claims 15 and 31-53 are currently pending in this application. Claims 15 and 42 are independent. The remaining claims depend, directly or indirectly, from claims 15 and 42.

Claim Amendments

Independent claims 15 and 42 have been amended to clarify the invention as recited. No new matter is added by way of these amendments, as support for these amendments may be found, for example, at least on page 7, line 30 – page 8, line 3 of the Specification.

Rejections under 35 U.S.C. § 103

Claims 15 and 31-53 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,536,041 (“Knudson”) in view of U.S. Patent No. 6,732,369 (“Schein”). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

The independent claims have been amended to recite that the interactive message is displayed while the service menu is inactive, and conversely, when the service menu is active, the interactive message is suppressed. In other words, the service menu and the interactive message are not both active at the same time. Advantageously, this feature of the invention prevents inadvertent selections on the service menu when a reply to an interactive message is required, and also prevents

replying to an interactive message when a service menu selection is desired by the user. *See* Specification, page 7, lines 31-32.

Turning to the rejection of the claims, the Examiner admits that Knudson fails to teach or suggest an interactive message displayed superimposed over the program, where the interactive message requires a response from the user, and upon a positive response from the user, a channel is changed and payment steps are carried out. *See* Office Action mailed October 12, 2007, page 4. However, the Examiner relies upon Schein as teaching the aforementioned limitations of the claimed invention. The cited portion of Schein teaches a program infomenu that pops up on the television screen and allows a user to navigate to various other places using a remote control. *See* Schein, col. 23, ll. 27-30. However, Schein fails to teach or suggest displaying a service menu in *inactive form* while the program infomenu is popped up on the television screen. It logically follows that Schein also cannot possibly teach or suggest *suppressing* the program infomenu when a service menu is active. In fact, Schein is completely silent with respect to suppressing the program infomenu for any reason. In fact, the only way that Schein allows the infomenu to disappear or become inactive is by affirmatively existing out of the infomenu. *See* Schein, col. 23, ll. 32-33. Affirmatively existing out of the infomenu is clearly distinct from suppressing the infomenu when another service menu is active.


In view of the above, it is clear that amended independent claims 15 and 42 are patentable over Knudson and Schein, whether considered separately or in combination. Further, pending dependent claims are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 11345/019001).

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Respectfully submitted,

By 
Jonathan P. Osha
Registration No.: 33,986
OSHA · LIANG LLP
1221 McKinney St., Suite 2800
Houston, Texas 77010
(713) 228-8600
(713) 228-8778 (Fax)
Attorney for Applicant